

LOWENSTEIN SANDLER PC
Attorneys at Law

65 Livingston Avenue
Roseland, NJ
07068-1791



Tel 973.597.2500
Fax 973.597.2400
www.lowenstein.com

RECEIVED
CENTRAL FAX CENTER
AUG 27 2004

FACSIMILE COVER SHEET

FROM: Daniel D. Sierchio, Reg. No. 53,591
Re: U.S. Patent No. 10/645,641

Date August 27, 2004

TEL: 973.597.2500 FAX: 973.597.2400 E-MAIL: dsierchio@lowenstein.com

TO: Mail Stop Amendment (Art Unit 2817)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NO.: 703-872-9306
VOICE
NO.:

Items:

- (1) Response to Requirement For Restriction (4 sheets);**
- (2) This fax cover (1 sheet).**

TOTAL PAGES (WITH COVER) 5

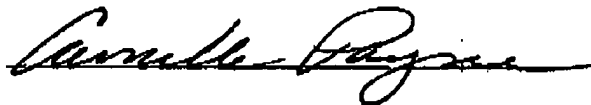
CLIENT ID/MATTER #: 14123-17

If you have any trouble with this transmittal, please call 973.597.2500

This facsimile contains Privileged and Confidential information. If you are not the intended recipient, dissemination of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to the above address. We will reimburse you for all expenses incurred. Thank You.

14123/21
08/27/2004 1559386.01

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306 on August 27, 2004.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER
AUG 27 2004

In re Application of Mazzochette *et al.*

Serial No.: 10/645,641

Filing Date: August 21, 2003

Entitled: LOW TEMPERATURE CO-FIRED CERAMIC-METAL
CIRCULATORS AND ISOLATORS

Attorney File No.: 14123-17

Art Unit: 2817

Examiner: S. Jones

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION UNDER 37 C.F.R. § 1.142

SIR:

In response to the Office Action mailed July 27, 2004 (the "Office Action"), please enter the following remarks into the file of the above-captioned application (the "Application"). No fee is believed due for entry of this Reply, should any fee be due, however, please charge such fees to Deposit Account number 501358.

14123/17
08/27/2004 1595193.01

Attorney Docket Number 14123-17

REMARKS

In the Office Action, the Examiner requires restriction under 35 U.S.C. 121 between:

- (Species I) drawn to a species which has no vias;
- (Species II) drawn to a species which has ferrite vias;
- (Species III) drawn to a species which has electrically conductive vias; and
- (Species IV) drawn to a species which has thermally conductive vias.

APPLICANTS' ELECTION

Pursuant to 35 U.S.C. 121, Applicants **hereby elect to prosecute the invention of Species I, Claims 1-3, 5-7, 10-14, and 17-18** in the above-captioned application. Applicants reserve the right to prosecute the invention of Species II, III and IV in one or more divisional applications claiming the priority benefit of the above-captioned Application.

APPLICANTS' TRAVERSAL OF THE RESTRICTION REQUIREMENT

Notwithstanding the election made above, Applicants respectfully traverse the restriction requirement set forth in the Office Action. Pursuant to MPEP 803, a proper requirement for restriction requires both: 1) a showing that inventions are independent or distinct; and 2) a serious burden on the Examiner. Here, the Office Action fails to provide any reasons and/or examples to support the conclusion that the species defined in the Office Action are patentably distinct. The Office Action merely presents a conclusory statement that "the claims are directed to patentably distinct species". (Office Action, page 2, section 1). The absence of a single reason or example as to why these proposed species are distinct fails to meet the requirements of the MPEP Section 803 and renders the restriction requirement improper.

The Office Action also fails to establish that the application presents a serious burden on the Examiner. The Examiner provides no supporting evidentiary statements showing that the proposed species are separately classified, have a separate status in the art or that the species are in different fields of search. (MPEP Section 803).

APPLICANTS' TRAVERSAL OF EXAMINER'S STATEMENT THAT NO CLAIM IS GENERIC

In addition, Applicants respectfully disagree with the Office Action's conclusion that "[c]urrently, no claim is generic". (Office Action, page 2, section 1). According to MPEP

Attorney Docket Number 14123-17

Section 806.04(d), a claim is generic if it includes no material element additional to those recited in the species claims and must comprehend within its confines the organization covered in each of the species. Here, Applicants submit that at least claim 1 is generic.

Claim 1 of the application reads as follows:

A low temperature cofired ceramic-metal (LTCC-M) integrated circulator for directing radio frequency (RF) signals comprising:

at least one ferrite disk situated in a magnetic field caused by at least one magnet and a ferrous base plate acting as a magnetic return path;

a conductor junction having 3 ports for coupling the radio frequency signals to the circulator;

a plurality of LTCC-M insulating layers for positioning the at least one magnet, the at least one ferrite disk, and to support the conductor junction.

The claims corresponding to Species I, II, III and IV (Claims 1-18) include all of the material elements of Claim 1. Further, Claim 1 does not include any material elements additional to those recited in the claims corresponding to the species defined by the Office Action.

Further, a claim is considered generic if it reads on each of the views (or figures) which are said to illustrate the species. MPEP Section 806.04(d). The Office Action provides that Species I is shown in Figure 3, Species II is shown in Figure 4, Species III is shown in Figure 5 and Species IV is shown in Figure 6. The elements of generic Claim 1 are represented in the Figures 3-6 as follows: ferrite disk 12, magnet 11, ferrous base plate 33, a conductor junction 14, and a plurality of insulating layers 32, 34. Figure 3 (Species I), Figure 4 (Species II), Figure 5 (Species III) and Figure 6 (Species IV) each contain all of the elements provided in Claim 1. Thus, Claim 1 clearly reads on the views presented in Figures 3, 4, 5 and 6.

Because at least Claim 1 is generic, upon allowance of generic Claim 1, Applicants are entitled to consideration of the claims corresponding to the species defined by the Office Action, all of which are written in dependent form and/or otherwise include all the limitations of at least generic claim 1. (37 C.F.R. §1.141).

Attorney Docket Number 14123-17

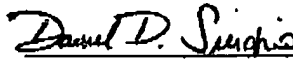
CONCLUSION

Applicants elect Species I corresponding to Claims 1-3, 5-7, 10-14, and 17-18.

Based on the reasons set forth above, Applicants traverse the restriction requirement as a whole and respectfully requests withdrawal of the requirement.

In addition, Applicants traverse the Office Action's conclusion that no generic claim is present in the case. As such, Applicants request that all claims directed to the non-elected species remain in the case for consideration upon allowance of generic Claim 1.

Respectfully submitted,



Daniel D. Sierchio
Reg. No. 53,591
Attorney for Applicants

Dated: August 27, 2004

LOWENSTEIN, SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068
Tel.: 973-597-6162